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FILED

DISTRICT COURT OF GUAM

JAN 27 2005 nbo ①

MARY L.M. MORAN
CLERK OF COURT

9 **IN THE UNITED STATES DISTRICT COURT**

10 **FOR THE TERRITORY OF GUAM**

11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

13 vs.)

14)
15 YU MAN YEN aka KEE SANG)
16 JOFFRE CHEN aka TAI FAT LEE,)
17 THIN LOO YAT aka LEE THIN)
18 FOOK, and JAE HEE KIM aka)
YONG KIM,)

19 Defendants.)
20)

CRIMINAL CASE NO. 05-00005

COMPLAINT

**POSSESSION OF FIFTEEN OR MORE
COUNTERFEIT OR UNAUTHORIZED
ACCESS DEVICES**
[18 U.S.C. §§ 1029(a)(3)]

21 THE UNDERSIGNED COMPLAINANT CHARGES UPON INFORMATION AND BELIEF
22 THAT:

23 On or about January 25, 2005, in the District of Guam and elsewhere, the defendants YU
24 MAN YEN aka KEE SANG JOFFRE CHEN aka TAI FAT LEE, THIN LOO YAT aka LEE
25 THIN FOOK, and JAE HEE KIM aka YONG KIM, possessed fifteen or more counterfeit or
26 unauthorized access devices in or affecting interstate or foreign commerce, in violation of Title
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1 18, United States Code, Section 1029(a)(3).

2 COMPLAINANT FURTHER STATES:

3 My name is Timothy Conway, and I am a Special Agent, formerly with the United States
4 Immigration and Naturalization Service, now with United States Immigration and Customs
5 Enforcement, a component of the Department of Homeland Security. I have been employed by
6 these two agencies for over 16 years.

7 1. My duties include investigation of violations of Titles 8 and 18 of the United States
8 Code as they apply to violations of U.S. immigration laws. The information contained in this
9 affidavit is based upon witness interviews and the collection of evidence conducted by the
10 affiant. Based upon my knowledge, training, and experience with the Immigration and
11 Nationality Act (I&NA), I hereby make the following affidavit relating to the above named
12 defendants:

13 2. On January 25, 2005, three males identified as Yu Man YEN, Thin LOO YAT and Jae
14 Hee KIM arrived from Manila, Philippines on Continental Airlines Flight CO 934 and presented
15 themselves for inspection before U.S. Customs and Border Protection (CBP) Officers.

16 3. Yu Man YEN presented CBP Officer Monica Taimanao with a United Kingdom of
17 Great Britain and Northern Ireland, British National Overseas (BNO) passport number
18 790003068, an I-94 Arrival and Departure Record Form, I-736 Guam Visa Waiver Form; and, a
19 return ticket to Manila. YEN told Officer Taimanao that he was on Guam for the first time and
20 was on vacation with friends. Officer Taimanao noticed that YEN's return ticket was issued in
21 Hanoi, Vietnam and showed a departure date of February 20, 2005, which is beyond the
22 authorized period of admission under the Guam Visa Waiver Program. YEN was a lookout
23 match because of his unusual travel route to Guam and was sent to secondary for further
24 questioning and examination of his passport.

25 4. Thin LOO YAT presented CBP Officer Remely Dela Paz a Malaysian passport
26 number A123330878, an I-94 Arrival and Departure Record Form, and I-736 Guam Visa Waiver
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1 Form CBP. LOO YAT told Officer Dela Paz that he was on Guam for four to five days vacation
2 and will be staying at the Hilton Hotel. LOO YAT was a lookout match because of his unusual
3 travel route to Guam and was sent to secondary for further questioning and examination of his
4 passport.

5 5. Jae Hee KIM presented CBP Officer Taimanao a Korean passport number
6 BS2077534, an I-94 Arrival and Departure Record Form, I-736 Guam Visa Waiver Form, and
7 return ticket to the Philippines. KIM told Officer Taimanao that he came to Guam for diving.
8 Officer Taimanao noticed KIM's airline ticket reflected a return date to the Philippines on
9 February 20, 2005, which again is beyond the authorized period of admission of 15 days, under
10 the Guam Visa Program. KIM was sent to secondary for further questioning and examination of
11 his documents as he too was a lookout match because of his unusual travel routes.

12 6. At secondary and with the assistance of a telephonic Korean Interpreter, CBP
13 Customs Enforcement Officer Edith Conway interviewed KIM, who stated that he was on Guam
14 to go diving and that was accompanied by two friends, a Malaysian and a Chinese. KIM told
15 Officer Conway that he met these friends while gambling in the Philippines about three or four
16 months earlier. He said he owned a karaoke bar in Korea and traveled to the Philippines to
17 gamble. Officer Conway noticed that he had a Vietnam visa in his passport and KIM claimed
18 that he would go there to shop. Officer Conway also noticed KIM's passport contained
19 numerous admission stamps in and out of high risk countries in Asia. These trips appeared to be
20 short and some with only transit stops. Since KIM's travels did not correspond with his claimed
21 occupation, Officer Conway suspected that he might be a trafficker of humans, narcotics or
22 currency.

23 7. Officer Conway interviewed YEN and he said he was on Guam for vacation with two
24 friends. He stated that he met his friends, a Malaysian and a Korean, at the casino in the
25 Philippines where he often gambles. Like KIM's passport, Officer Conway noticed numerous
26 admission stamps in and out of high risk countries in Asia and these trips were short and some
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1 appeared to be only transit stops. When asked about his frequent trips, YEN stated that he's
2 retired and likes to travel and gamble. He heard about Guam and decided to visit.

3 8. Officer Conway interviewed LOO YAT, who said he was here on vacation with YEN
4 and KIM. He had heard from Taiwanese friends that Guam is a nice place so they decided to
5 visit. He told her that he was self-employed, selling phone cards and also does import/export
6 business selling clothes and shoes. Officer Conway noticed that LOO YAT's passport, like
7 KIM's and YEN's, contained numerous admission stamps to the same high risk countries in Asia
8 and these trips were short and some appeared to be only transit stops.

9 9. After interviewing KIM, YEN and LOO YAT, Officer Conway and CPB Officer
10 Avery Cepeda escorted the three to GOVGUAM Customs for baggage inspection. GOVGUAM
11 Customs Officer J.A. GANGE inspected LOO YAT's luggage and inside found a black plastic
12 travel billfold containing a Singapore passport, number S8213696H, and a Philippines driver's
13 license, number N04-95-027862, both bearing LOO YAT's photo and issued in the name Lee
14 Thin FOOK. Officer Conway asked LOO YAT if he was a dual citizen and he stated that he's
15 Malaysian but is a permanent resident of Singapore. Officer Conway asked to see his blue
16 Singapore ID but LOO YAT stated that he left it at home. Officer Conway told me that she
17 examined the Singapore passport and the whole document was counterfeit, to include the visas
18 and admission stamps. Upon further inspection, Officer Gange located two Marlboro Lights
19 cigarette packs under some clothes. He asked LOO YAT why the packs were heavy but he did
20 not respond. Officer Gange opened the cigarette packs and each contained nineteen and twenty
21 credit cards, respectively, and issued to Lee Thin FOOK. Officer Conway asked if the credit
22 cards and passport were genuine and LOO YAT stated that they were not.

23 10. GOVGUAM Customs Officer J.A. Mendiola with the assistance of CBP Officer
24 Cepeda inspected Jae Hee KIM's luggage. In KIM's luggage, Officers Mendiola and Cepeda
25 found two Marlboro Light cigarette packs each containing eighteen and nineteen credit cards in
26 the name Yong KIM.

11. Officer Gange inspected YEN's carry on hand bag and located a cloth pouch which contained a United Kingdom of Great Britain and Northern Ireland passport (BNO), number 750406605, issued to Kee Sang Joffre CHEN and bearing the photo of YEN. Officer Gange also inspected YEN's luggage and found a Singapore passport, number S8639138H, issued to Tai Fat LEE but bearing the photo of YEN concealed in a new pair of underwear still in the plastic bag. Officer Conway asked YEN his name and he stated that his name was YEN and the passports were not real. Officer Conway told me that she examined the Singapore passport and the whole document was counterfeit, to include the visas and admission stamps. Officer Conway also examined the BNO passport and determined that it was photo substituted and may be counterfeit. Inside a beige shoe bag, Officer Gange found two Marlboro Lights cigarette packs hidden inside two black shoes. Each Marlboro pack contained seven credit cards issued to Thin Fook LEE. The other pack contained twenty-one credit cards, nine issued to K.S. Joffre CHEN and twelve issued to T.F. LEE. Officer Conway asked CHEN if the credit cards were real and he stated they were not.

12. CBP Officer Dela Paz arrived at the Customs area and observed Jae Hee KIM fidgeting, and he asked for his jacket. She observed a bulge in the small of KIM's back and informed CBP Officer Cepeda. Officer Cepeda asked KIM to lift up his shirt, in the small of his back, he saw a Korean passport, number BS1321402, issued to Yong KIM and bearing a photo Jae Hee KIM. Officer Conway asked Jae Hee KIM if the passport was good and he answered no. Officer Conway examined the Korean passport and determined that the original photo on the passport was removed and Jae Hee KIM's photo was glued directly over the laminate.

13. After the baggage inspection, YEN, LOO YAT and Jae Hee KIM were brought back to the secondary inspection area so their property could be inventoried. Officer Conway told me that during the inventory, YEN, LOO YAT and Jae Hee KIM individually told her that the passport they presented to the CBP officers were genuine but the other passports found in their belongings were fake. Officer Conway also stated that while inventorying Jae Hee KIM's hand

1 bag, she located a copy of Korean passport, number BS1363276, issued to Jae Hee KIM but
2 bearing the photo of YEN. KIM told Officer Conway that was his old passport but the photo and
3 the passport number were changed.

4 14. Officer Conway turned YEN, LOO YAT and KIM over to Special Agent Timothy
5 Conway for further processing. Utilizing Chinese interpreter Mimi Clinard, I gave YEN his
6 Miranda Rights, which he waived, and he stated the Singapore passport in the name Tai Fat LEE
7 and the BNO passport in the name of Kee Sang Joffre CHEN were fake and he used them for
8 identification purposes only. He stated that he matched the passports with the credit cards when
9 he purchased items. He further stated that he paid about \$100 to \$200 for each credit card and
10 all of them located in his luggage were fake. YEN stated that he was to use the fake credit cards
11 on Guam to purchase things because he doesn't have to use his own money.

12 15. Special Agent John Duenas gave LOO YAT his Miranda Rights which he waived.
13 LOO YAT told Special Agent Duenas that the Singapore passport in the name Lee Thin FOOK
14 was fake and he purchased forty fake credit cards in the Philippines for \$100-\$150 each to use
15 on Guam. LOO YAT further stated that he was going to purchase goods on Guam and take them
16 back to the Philippines to sell and if he could not sell them, he would use the items to pay for the
17 credit cards received.

18 16. Task Force Special Agent Irwin Fejeran, with the assistance of Korean interpreter
19 Hee Jung Won, advised Jae Hee KIM of his Miranda Rights which he waived. KIM stated that
20 he paid \$1,000 for his fake Korean passport and \$300 for the fake credit cards. He also stated
21 that he was going to use the credit cards to buy things on Guam, which he was to use.

22 Based on the foregoing, I have probable cause to believe that defendant Yu Man YEN
23 aka: Kee Sang Joffre CHEN and Tai Fat LEE, Thin LOO YAT aka: Lee Thin FOOK, and Jae

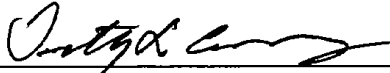
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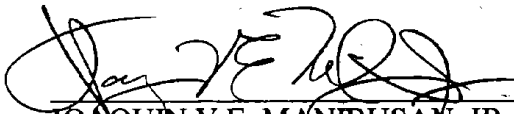
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1 Hee KIM aka: Yong KIM committed the offense of possession of fifteen or more counterfeit or
2 unauthorized access devices in or affecting interstate or foreign commerce, in violation of Title
3 18, United States Code, Section 1029(a)(3).

4 Dated this 27th day of January 2005.

5 
6 TIMOTHY L. CONWAY
7 Special Agent, ICE

8 SUBSCRIBED AND SWORN to before me this 27th day of January, 2005.

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10 JOAQUIN V.E. MANIBUSAN, JR.
11 Magistrate Judge
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